§ 70.05-1

46 CFR part or section where identified or described	Current OMB control No.
§ 78.17–33	1625-0064

[49 FR 38120, Sept. 27, 1984, as amended by CGD 88-072, 53 FR 34297, Sept. 6, 1988; CGD 89-037, 57 FR 41822, Sept. 11, 1992; USCG-2004-18884, 69 FR 58347, Sept. 30, 2004]

Subpart 70.05—Application

§ 70.05-1 United States flag vessels subject to the requirements of this subchapter.

(a) This subchapter is applicable to all U.S.-flag vessels indicated in Col-

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umn 3 of table 70.05-1(a) that are 100 gross tons or more, except as follows:

- (1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States; or,
- (2) Any vessel while laid up and dismantled and out of commission; or,
- (3) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

			Table 70.05-1(a)	-1(a)			
Method of	o,		Vessels inspected and certificated under-		Vessels su	Vessels subject to the provisions of-	visions of
propulsion, qualified by size or other limitation.	on, Tby ther	Subchapter DTank Vessels, ²	Subchapter H-Passenger Vessels ^{2, 3, 4 and} ⁵ or Subchapter K or TSmall Passenger Vessels, ^{2, 3, and 4}	Subchapter I Cargo and Miscellaneous Vessels. ² and 5	Subchapter C- -Uninspected Vessels. ^{2,3,6} 7,	Subchapter UOcean- ographic Vessels. ^{2, 3, 6} 7, and 9	Subchapter O Certain Bulk and Dangerous Cargoes.
Column 1	n 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels vessels except except motor motor wessels 300 gross fons.	Motor, all words, all seasols except seagoing motor motor wessels > 300 gross tons.	All vessels carrying combustible or flammable ilquid cargo in bulk.	i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. All vessels not engaged in trade. A) Carry more than 6 passengers-for-hire whether chartered or not, or a passengers when chartered with nor enw provided, or c) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and are submersible vessels. E) Carry more than 6 passengers and are ferries. E) Carry more than 12 passengers and are ferries. A) Carry more than 12 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or C) Carry more than 12 passenger when chartered with no crew provided, or C) Carry at least 1 passenger-for-hire and are submersible vessels. E) Carry at least 1 passenger and are ferries.	All vessels > 15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹ / ₂
			iv) These regulations do not apply to- A) Recreational vessels not engaged in trade. B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel* in addition to the crew, as restricted by the definition of passenger.				

,				
Subchapter O Certain Bulk and Dangerous	Cargoes.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would	offnewise be subject to these parts. ?	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would outbrewise be subject to part 151.11. am 12
Subchapter UOcean- ographic	Vessels. 7, and 9 Column 6	All vessels engaged in oceanographic research.		None
Subchapter C-Uninspected Vessels. 2, 3, 6 7, and 8	Column	All vessels not covered by columns 2, 3, 4, 6, and 7.		All barges carrying parsengers or passengers or hire except those covered by column 3.
Subchapter I Cargo and Miscellaneous	Vessels.	All vessels, including recreational vessels, not engaged in trade. This does not include	vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All seagoing barges except those covered by columns 2 and 3.
Subchapter H-Passenger Vessels ^{2, 3, 4 and} ⁵ or Subchapter K or TSmall Passenger Vessels, ^{2, 3, and 4}	Column 3	i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. (ii) All ferries < 100 gross tons carrying more than 6 passengers and all ferries > 100 gross tons that carry at least 1 passenger.	iii) These regulations do not apply to- A) Recreational vessels not angaged in trade. B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel® in addition to the crew, as restricted by the definition of passenger.	i) All wessels that
Subchapter DTank Vessels. ²	Column	All vessels carrying combustible or flammable liquid cargo in bulk.		All vessels carrying combustible or flammable liquid cargo in bulk.
propulsion, qualified by size or other	Column 1	(2) Motor, seagoing motor vessels ≥ 300 gross tons.		(3) Non-self- propelled vessels < 100 gross tons.
	Subchapter Subchapter H-Passenger Vessels ^{2,3,4,86,4} Subchapter I Subchapter C- Subchapter B Subchapter C- Subchapter C	h, Subchapter Subchapter H-Passenger Vessels ^{2,3,4 and} Subchapter I Subchapter C- Subchapter Ror T-Small Passenger Cargo and Vessels. Vessels. Vessels. Vessels. Vessels. Column 2 Column 3 Column 5 Column 5 Column 5 Column 6 Cubchapter C- Subchapter Ror Subchapter Ror Cargo and Subchapter C- Subchapter Ror	Subchapter Subchapter H-Passenger Vessels. 3 and 4 D-Tank Vessels. 4 Vessels. 3 and 4 D-Tank Vessels. 5 or Subchapter K or T-Small Passenger Cargo and Miscellaneous Vessels. 4 or Graphic Vessels. 5 or Subchapter K or T-Small Passenger Cargo and Miscellaneous Vessels. 4 or Graphic Vessels. 5 or Miscellaneous Vessels. 5 or Miscellaneous Vessels. 5 or Graphic Vessels. 5 or Miscellaneous Vessels	Subchapter Subchapter H-Passenger Vessels. Wessels. D-Tank D-Tank Vessels. Vessels. Vessels. Column 2 Column 3 Column 3 Column 4 Column 4 Column 5 All vessels not engaged in trade. Significate or ii) All terries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons carrying more than 12 passenger sand all ferries - 100 gross tons covered by columns 2. 3, 4. All vessels not deaged in trade. All vessels not engaged in trade. By Documented cargo or tank vessels issued a permit to carry 16 or fewer persons on the legitimate business of the vessel's in addition to the crew. C) Fishing the crew, as restricted by the definition of passenger.

(4)	Non-self-	(4) Non-self- All vessels	iii) All vessels that	All seagoing	All barges	All seagoing	All tank barges
	propelled	carrying	A) Carry more than 12 passengers-for-hire	barges except	carrying	barges	carrying cargoes
	vessels >	combustible or	whether chartered or not, or	those covered by passengers or		engaged in	listed in Table
	100 gross	flammable	B) Carry more than 12 passengers when	columns 2 and 3.		oceanographic 151.05 of this	151.05 of this
	tons.	liquid cargo in	chartered with the crew provided, or		hire except those	research.	chapter or unlisted
		bulk.	C) Carry more than 12 passengers when		covered by		cargoes that would
_			chartered with no crew provided, or		columns 3 and 6.		otherwise be
			D) Carry at least 1 passenger-for-hire and is a				subject to part
			submersible vessel.7				151.1.11, and 12
			E) Carry more than 12 passengers on an				
			international voyage.				
			 F) Carry at least 1 passenger and are ferries. 				

Met	Method of		Table 70.05-1(a) (continued) Vessels inspected and certificated under-	ntinued)	Vessels sı	Vessels subject to the provisions of	visions of
pro qua size	propulsion, qualified by size or other limitation.	Subchapter DTank Vessels. ²	Subchapter HPassenger Vessels ^{2, 3, 4 and} ⁵ or Subchapter K or TSmall Passenger Vessels, ^{2, 5, and 4}	Subchapter I Cargo and Miscellaneous Vessels. ^{2 and 5}	Subchapter C-Uninspected Vessels. ^{2, 3, 6, 7, and 8}	Subchapter UOcean- ographic Vessels. ^{2, 3, 6} 7, and 9	Subchapter O Certain Bulk and Dangerous Cargoes.
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
ú	Sail 13	All vecels	i) All vessels carrying more than 12 nassengers	All vecesie	All veces not	None	All vessels carrying
0	vessels ≤ 700 gross	carrying combustible or	y All vessels carrying flight that I to passerigers on an international voyage, except recreational vessels not engaged in trade.	carrying dangerous	covered by	D	cargoes in bulk that are listed in part
	tons.	liguid cardo in	ii) All vessels < 100 gross tons that	required by 46	and o.		154 table 4, or part
		bulk.	whether chartered or not or	CFR part 98.			unlisted cargoes
			B) Carry more than 6 passengers when				otherwise be
			C) Carry more than 12 passengers when				parts.
			chartered with no crew provided, or				
			b) carry at least 1 passenger-lor-fille and are submersible vessels.				
			E) Carry more than 6 passengers and are ferries.				
			iii) All vessels ≥ 100 gross tons that A) Carry more than 12 passengers-for-hire				
			whether chartered or not, or				
			B) Carry more than 12 passengers when				
			C) Carry more than 12 passengers when				
			chartered with no crew provided, or				
			b) carry at least 1 passenger-tor-tife and are submersible vessels.				
			E) Carry at least 1 passenger and are ferries.				
			iv) These regulations do not apply to				
			A) Recreational vessels not engaged in trade.				
			a permit to carry 16 or fewer persons in addition				
			to the crew.				
			C) Fishing vessels, not engaged in ocean or				
			coastwise service. Sucil vessels may carry				
			vessel ⁶ in addition to the crew, as restricted by				
			the definition of passenger.7				

(9)	Sail.13	All vessels	i) All vessels carrying passengers or	All vessels	None.	None.	All vessels carrying
	< slasses	carrying	passengers-for-hire, except recreational	carrying			cargoes in bulk that
	700 gross	combustible or	vessels.	dangerous			are listed in part
	tons.	flammable		cargoes, when			153, table 1, or part
		liquid cargo in	ii) All ferries that carry at least 1 passenger.	required by 46			154, table 4, or
		bulk.°		CFR part 98.			unlisted cargoes
							that would
							otherwise be
							subject to these
_							narts 12

Supportant and support the carry of any content of the crew provided, of chartered with the crew provided of chartered with the crew p	Method of		Vessels inspected and certificated under-	(continued)	Vessels st	Vessels subject to the provisions of-	visions of-
Steam 1 Column 2 Column 3 Column 6 Column 6 Column 6 Column 6 Steam weesels carrying more than 12 passengers and MI upgotals and All vessels not on an international voyage except recreational towboats. All covered by combustible or vessels on an international voyage except recreational towboats. All covered by combustible or vessels not engaged in trade. 19.8 and the crew provided, or in length, bulk, so when the crew provided, or compared by 46 and the crew provided or compared by 46 and the	propulsion, qualified by size or other limitation.	Subchapter DTank Vessels, ²	Subchapter HPassenger Vessels	Subchapter I Cargo and Miscellaneous Vessels. ^{2 and 5}	Subchapter C- -Uninspected Vessels. ^{2, 3, 6} 7, and 8	Subchapter UOcean- ographic Vessels. ^{2, 3, 6} 7, and 9	Subchapter O Certain Bulk and Dangerous Cargoes.
Steam, wessels (a) All vessels nor threatened with vessels carrying on an international voyage, except recreational vessels carrying on an international voyage, except recreational vessels carrying condumns 2, 3, 4, and international vessels carrying columns 2, 3, 4, and international vessels on the carrying columns 2, 3, 4, and international vessels on the carrying columns 2, 3, 4, and international vessels on the carrying columns 2, 3, 4, and 6, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1,	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
the definition of necessary		All vessels compusible or flammable ilquid cargo in bulk.	i) All vessels carrying more than 12 passengers on an international voyage, except recreational voluments of passengers when chartered with no crew provided, or chartered with no crew provided, or b) Carry more than 12 passengers when chartered with no crew provided, or b) Carry more than 6 passengers and are submersible vessels. E) Carry more than 12 passengers and are ferries. iii) All vessels ≥ 100 gross tons that		All vessels not coovered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²

Table 70.05-1(a) (continued)	Vessels inspected and certificated under Vessels subject to the provisions of	Subchapter Subchapter HPassenger Vessels ^{2,3,4 and} Subchapter I Subchapter Consubchapter Consub	Column 2 Column 3 Column 4 Column 5 Column 7	All vessels or any of more than 12 passengers and are chartered with no crew provided, or coartwest with no crew provided, or chartered with no crew provided with
		Subchapter DTank Vessels. ²	Column 2	All vessels carrying combustible or flammable bulk. such bulk.
	Method of	propulsion, qualified by size or other limitation.	Column 1	(7) Steam, vessels > vessels > vessels > meters meters (65 feet) in length.

§ 70.05-1

Key to symbols used in this table: ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal

Footnotes:

- means a straight line Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression measurement of the overall length from the foremost part of the vessel to the affermost part of the vessel, measured parallel to the centerline.
- 2 Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesawing Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171-179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.
- 3 Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.
- 4 Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overright accommodations for more than 49 passengers.
- 5 Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limithd amount of Hammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.
- 6 Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS)
- 7 The terms "passenger(s)" and "passenger(s)-for-hire" are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.
- 8 Boilers and machinery are subject to examination on vessels over 40 feet in length.
- 9 Under 46 U.S.C. 441 an oceanographic research vessel "*** being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, **** Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce." If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certificated for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.
- 10 Bulk dangerous cargoes are cargoes specified in table 151.01-10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter
- 11 For manned tankbarges, see § 151.01-10(c) of this chapter.
- 12 See § 151.01-15, 153.900(d), or 154.30 of this chapter as appropriate.
- Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

Coast Guard, DHS § 70.05–5

(b) The requirements for notification of safety standards and for safety information and country of registry in promotional literature or advertising of a domestic passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers are contained in part 80 of this chapter.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGFR 67-83, 33 FR 1107, Jan. 27, 1968; CGFR 70-10, 35 FR 3710, Feb. 25, 1970; CGD 72-187R, 38 FR 9081, Apr. 10, 1973; CGP 73-96, 42 FR 49024, Sept. 26, 1977; CGD 86-033, 53 FR 36024, Sept. 16, 1988; 53 FR 46871, Nov. 21, 1988; CGD 90-008, 55 FR 30660, July 26, 1990; USCG-1999-5040, 67 FR 34784, May 15, 2002; USCG-2008-1107, 74 FR 63646, Dec. 4, 2009]

§ 70.05-3 Foreign vessels subject to the requirements of this subchapter.

- (a) Except as specifically noted in paragraphs (b) and (e), and (f) of this section, parts 70 to 78, inclusive, of this subchapter, shall be applicable to the extent prescribed by law to all foreign vessels of the following classifications indicated in column 4 of table 70.05–1(a) that are 100 gross tons or over:
- (1) Foreign vessels which carry more than 12 passengers from any port in the United States; or,
- (2) Foreign vessels, other than those mentioned in paragraph (a)(1) of this section, which carry more than 6 passengers from any port in the United States, and which are:
- (i) Sailing vessels of 100 gross tons or over and not more than 700 gross tons; or.
- (ii) Non-self-propelled vessels of 100 gross tons.
- (b) The provisions of parts 70 to 78, inclusive, of this subchapter shall not be applicable to those foreign vessels covered by paragraph (a) of this section which are:
- (1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1974, and which has on board a current valid safety certificate; or,
- (2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current valid certificate of inspection issued by its government under such arrangements.

- (c) Notwithstanding the exceptions previously noted in paragraph (b) of this section, foreign vessels of novel design or construction, or whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States' ports, as further provided by §2.01–13 of subchapter A (Procedures Applicable to the Public) of this chapter.
- (d) The requirements for notification of safety standards and for safety information and country of registry in promotional literature or advertising of a foreign passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers are contained in part 80 of this chapter.
- (e) Not withstanding the other provisions of this section, foreign passenger vessels of over 100 gross tons having berth or stateroom accommodations for more than 50 persons and departing a United States port with passengers who are United States nationals and who embarked at that port shall comply with the provisions of the International Convention for Safety of Life at Sea. 1974.
- (f) Notwithstanding the exceptions noted in paragraph (b) of this section, each foreign vessel must report marine casualties occurring while the vessel is in the navigable waters of the United States as required by subpart 78.07.

[CGFR 65–50, 30 FR 16890, Dec. 30, 1965, as amended by CGFR 66–33, 31 FR 15280, Dec. 6, 1966; CGFR 68–65, 33 FR 19985, Dec. 28, 1968; CGFR 69–106a, 35 FR 16834, Oct. 31, 1970; CGD 72–187R, 38 FR 9081, Apr. 10, 1973; CGD 77–042, 42 FR 63643, Dec. 19, 1977; CGD 90–008, 55 FR 3066O, July 26, 1990]

§ 70.05-5 Specific application noted in

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in